

special order thereof, and one hundred copies ordered printed.

A message was received from the House informing the Senate of the passage by the House of the concurrent resolution "That Margaret Scott be permitted to keep a lunch stand in the basement of the Capitol building, under such restrictions as the Commissioner of Insurance, Statistics and History may see proper to impose."

Senate bill No. 26, entitled "An act to amend article 4752, chapter 4, title 95, of the Revised Civil Statutes, adopted February 21, 1879," was taken up and read second time, with committee amendment.

Senator Gooch moved to amend committee amendment by adding: "And further provided, that if no publisher of a newspaper in the county will contract to advertise on the terms herein prescribed, the advertisement shall be posted." Adopted.

On motion of Senator Martin of Cooke, the following amendment was adopted: Amend by striking out in the first section the words "some newspaper published in the county," and inserting instead thereof the words "the newspaper having the largest circulation in the county."

Committee amendment adopted as amended.

Senator Houston, chairman of Committee on Constitutional Amendments, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 15, "Joint resolution proposing an amendment to section 1 of article 6 of the Constitution of the State of Texas, relating to suffrage," have had the same under consideration, and a majority of the committee instruct me to report the same back, and recommend that it do not pass.

HOUSTON, Chairman.

Bill read first time.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 22, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 5, being "An act to give orders of sale foreclosing certain claims of liens upon real estate the force and effect of writs of possession;" also Senate bill No. 34, being "An act amending article 4609, chapter 4 of the Revised Civil Code, approved February, 1879;" also, Senate bill No. 62, being "An act making an appropriation of \$200 for the purpose of having the State of Texas personally represented at the meeting of the trustees of the Peabody fund, at Washington City D. C., on the second day of February, 1881," and find said bills correctly engrossed.

BUCHANAN of Grimes, Chairman.

Senator Stubbs, by leave, introduced a bill entitled, "An act for the protection of oysters and fish in salt and tide-waters, affixing penalties, and providing for appointment of commissioner." Referred to Committee on Commerce and Manufactures.

The President, after reading the caption thereof, signed "Senate Joint Resolution No. 4, regarding the port of Galveston."

On motion of Senator Houston, Senate adjourned till Monday morning at 10 o'clock.

TWELFTH DAY.

SENATE CHAMBER,
AUSTIN, January 24, 1881- }

Senate met pursuant to adjournment, Lieutenant-Governor Storey in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Tilson the reading of the journal of Saturday was suspended, and same adopted.

Senator Martin of Navarro, chairman of Committee on

Public Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Roads, Bridges and Ferries, to whom was referred Senate bill No. 44, a bill to be entitled "An act to amend article 375, chapter 4 of title 17, of the Revised Civil Statutes of the State of Texas, relating to the powers of the councils of cities and towns over the streets, alleys and public grounds," have had the same under consideration, and instruct me to report the same back, and recommend that it do pass.

MARTIN, of Navarro, Chairman.

Bill read first time.

Senator Henderson, chairman of Committee on State Asylums, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Asylums, to whom was referred the message of his Excellency the Governor relative to the removal of General H. E. McCulloch as Superintendent of the Texas Institution for the Deaf and Dumb, and appointment of Colonel Jno. S. Ford as his successor, beg leave to report that they have considered the same, and I am instructed to report that said action of his Excellency was in conformity with law, and requires no further action on the part of the committee.

HENDERSON, Chairman.

Report read and adopted.

Senator Stewart offered a "Joint resolution amending section 11 of article 1 of the Constitution of the State of Texas." Referred to Committee on Constitutional Amendments.

Senator Stubbs introduced a bill entitled "An act to authorize and require nine members of the jury concurring in the trial of civil cases in the district courts to render a verdict." Referred to Judiciary Committee No. 1.

Senator Martin of Cooke introduced a bill entitled "An act to amend article 2395 of chapter 3 of title 42 of an act to adopt and establish the Revised Civil Statutes of the State of Texas, approved February 21, 1879." Referred to Judiciary Committee No. 1.

Senate bill No. 20, entitled "An act to amend chapter 4, title 9, of an act entitled an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed by the Sixteenth Legislature," being special order, was taken up—amendment of Senator Henderson pending.

Senator Duncan moved to amend the amendment of Senator Henderson by striking out "ten days and three months," and inserting in lieu thereof "thirty days and six months."

Lost by the following vote:

YEAS—10.

Burton	Harris,	Tilson,
Devonport,	Lair,	Weatherrod,
Duncan,	Powers,	Wynne.
Gooch,		

NAYS—18.

Buchanan of Grimes	Houston,	Patton,
Buchanan of Wood,	Lane,	Rainey,
Burges,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Henderson,	Martin of Navarro,	Stubbs,
Hightower,	Moore,	Swain.

Senator Stubbs offered the following as a substitute for the amendment of Senator Henderson:

"Amend by striking out in the latter part of section 1, 'shall be punished by confinement in the county jail not less than ten days, nor more than three months,' and insert 'shall be punished by confinement in the county jail not less than ten days nor more than three months, or by fine of not less than \$25 nor more than \$200, or both, at the discretion of the jury.'"

Accepted by Senator Henderson.

Senator Gooch proposed to amend Senator Stubbs' substitute by striking out "twenty-five dollars" and inserting "fifty dollars." Adopted by the following vote:

YEAS—22.

Buchanan of Grimes	Hightower,	Rainey,
Buchanan of Wood,	Lair,	Shannon,
Burgos,	Lightfoot,	Stewart,
Cooper,	Martin of Cooke,	Stubbs,
Duncan,	Martin of Navarro,	Swain,
Gooch,	Moore,	Tilson,
Harris,	Powers,	Wynno.
Henderson,		

NAYS—6.

Burton,	Houston,	Patton,
Davenport,	Lane,	Weathered.

The substitute of Senator Stubbs for the amendment of Senator Henderson, was then voted on and lost by the following vote:

YEAS—11.

Buchanan of Grimes	Houston,	Rainey,
Burgos,	Lair,	Shannon,
Cooper,	Martin of Navarro,	Stubbs.
Henderson,	Powers,	

NAYS—17.

Buchanan of Wood,	Hightower,	Stewart,
Burton,	Lane,	Swain,
Davenport,	Lightfoot,	Tilson,
Duncan,	Martin of Cooke,	Weathered,
Gooch,	Moore,	Wynno.
Harris,	Patton,	

Senator Powers offered the following amendment: After the word "Indians," at the end of last section, add "or other bands of lawless persons." Adopted.

Senator Hightower then moved to amend by striking out from first section, "close confinement in county jail for not less than three months nor more than six months," and insert "by a fine of not less than twenty-five dollars, and not more than one hundred dollars, and by close confinement in the county jail for a period of not less than ten days nor more than three months." Adopted.

Also, in third section, by striking out "close confinement in the county jail not less than six months and not more than twelve months," and insert "by fine of not less than fifty dollars, and not more than two hundred dollars, and by close confinement in the county jail for a period not less than one month and not more than six months."

Senator Swain moved to postpone the further consideration of the bill and make it the special order for Friday next. Lost.

The pending amendment of Senator Hightower was then adopted.

The President, after reading its caption, signed Senate bill No. 9, entitled "An act making an appropriation to pay the contingent expenses of the Seventeenth Legislature."

Senator Buchanan of Grimes, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined Senate bill No. 2, being "An act to repeal article 2234 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed by the Sixteenth Legislature."

Senate bill No. 11, being "An act to amend article 316 of the Revised Code of the State of Texas."

Senate bill No. 12, being "An act to amend articles 111 and 112 of chapter 5 of 'act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed at the regular session A. D. 1879."

Senate bill No. 22, being "An act to amend articles 355 and 356 of 'an act to adopt and establish a Penal Code for the State of Texas.'"

Senate bill No. 33, being "An act to repeal articles 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088 and 4089, title 82, of the Revised Civil Statutes of the State of Texas, and also an act approved April 19, 1879, entitled 'an act to amend an act entitled an act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof.'"

And Senate bill No. 38, being "An act to amend article 3812, title 79,

of the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature, February 21, 1879," and find each of the said bills correctly engrossed.

BUCHANAN of Grimes, Chairman.

The pending Senate bill No. 20 was then ordered engrossed. Senator Duncan then offered the following resolution:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of employing a short-hand writer to take the Senate proceedings in full so that the same may thus appear in the journal, and to report their conclusion to the Senate.

Referred to Committee on Public Printing.

Senator Hightower then, by leave, introduced the following bill: "An act to repeal article 1678 of an act entitled an act to adopt and establish the Revised Statutes of the State of Texas," passed by the Sixteenth Legislature." Referred to Judiciary Committee No. 1.

Also, by leave, a bill entitled "An act to amend article 1659 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed by the Sixteenth Legislature." Referred to Judiciary Committee No. 1.

Senator Lightfoot, chairman of the Committee on Federal Relations, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 22, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Federal Relations beg leave to report that they have duly considered Senate bill No. 53, entitled "An act to authorize and request the Governor to ascertain and file in the War Department of the United States, or in such other department as the matter may be referred to, a certified abstract, accompanied with proper vouchers and proofs, of the money expended and indebtedness assumed and incurred by the State of Texas in repelling invasions by Mexican and Mexican-Indian banditti, and in suppressing Indian hostilities," and your committee believe it is imperatively necessary that the State should at once take proper steps to lay before the Federal authorities the proofs and vouchers to sustain her claims against the United States for the large sums of money expended in frontier protection. And your committee instruct me to report back the bill to the Senate, with the recommendation that it do pass.

LIGHTFOOT, Chairman.

Bill read first time.

Senate bill No. 23, entitled "An act to amend article 2266, chapter 4, title 38, of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed by the Sixteenth Legislature of Texas," being the special order for this hour, was taken up.

Senator Rainey offered the following amendment: Amend by striking out the word "first" in second line, on page third of printed bill, and insert the word "appearance."

On motion of Senator Duncan, the Senate adjourned until 10 o'clock to-morrow morning.

THIRTEENTH DAY.

SENATE CHAMBER,
AUSTIN, January 25, 1881. }

The Senate met pursuant to adjournment, Lieutenant-Governor Storey in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Homan, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 21, being "An act to amend article 1587, title 32, chapter 12, of the Revised Civil Statutes of the State of Texas;" also Senate bill No. 26, being "An act to amend article 4752, chapter 4, title 95, of the Revised Civil Statutes, adopted February 21, 1879," and find said bills correct and engrossed.

BUCHANAN of Grimes, Chairman.